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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EDWARD A. WILLIAMS</b>	:	
Plaintiff	:	Civil Action No. 17-CV-2641
	:	
v.	:	
	:	
<b>MERRICK GARLAND, et al.</b>	:	Judge John Milton Younge
Defendants.	:	

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**PLAINTIFF’S RESPONSE TO DEFENDANTS’  
STATEMENT OF UNDISPUTED MATERIAL FACTS**

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Pursuant to Local Rule 56.1 of the Federal Rules of Civil Procedure, Plaintiff Edward A. Williams, by and through his counsel, Joshua Prince, Esq. and Prince Law Offices, P.C., hereby submit the following response to Defendants’ statement of material facts in support of their motion for summary judgment (Docs. 73, 74).

Plaintiff objects to the entirety of Defendants’ Statement of Undisputed Material Facts on the grounds of relevancy, given the U.S. Supreme Court’s holding in *New York State Rifle & Pistol Ass’n v. Bruen*, 142 S. Ct. 2111, 2127

(2022),<sup>1</sup> where the Court explicitly held that to uphold any form of restriction on the right to keep and bear arms, the government must “affirmatively prove that its firearms regulation is part of the historical tradition that delimits the outer bounds of the right to keep and bear arms” and nothing within the Defendants’ Statement of Undisputed Material Facts is relevant to the *Bruen* or *Range* analyses. Without waiving this objection, Plaintiff responds as follows:

1-6. Undisputed.

7. Objection. The “police department records,” inclusive of Defendants’ Exhibit D, are hearsay and have never been authenticated.<sup>2</sup> It is only undisputed that Mr. Williams admitted during his deposition to drinking “a beer and some wine.” Def. Exhibit A, Williams Dep. 54:17-18.

8. Disputed as stated. Mr. Williams testified that his understanding of why the charges were dismissed was “lack of evidence.” Def. Exhibit A, Williams Dep. 57: 24-58:1.

9-11. Undisputed.

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<sup>1</sup> See also, the Third Circuit’s en banc decision in *Range v. Attorney Gen. United States of Am.*, 69 F.4th 96 (3d Cir. 2023).

<sup>2</sup> At the beginning of the deposition of Mr. Williams, the Parties agreed to the “regular stipulations, where objections ... are preserved regardless of whether they’re made on the record.” See, Pltf. Exhibit D (Williams Dep. 6:22-7:1)

12-13. Objection. The “police department records,” inclusive of Defendants’ Exhibit C, are hearsay and have never been authenticated.<sup>3</sup>

14. Objection. The “police department records,” inclusive of Defendants’ Exhibit D, are hearsay and have never been authenticated.<sup>4</sup> It is also disputed as stated. Mr. Williams testified that over time timeframe of “that particular day,” he had consumed 8-9 beers. Def. Exhibit A., Williams Dep. 64:2-5.

15-17. Undisputed.

18. Disputed as stated. Mr. Williams testified that only rarely does he have a drink and that he never drinks and drives. Def. Exhibit A., Williams Dep., 35:3-22.

19-28. Disputed as stated. While Mr. Williams did own firearms between 1993 and 2014-2015, he was unaware of any putative firearm disability (*see* Pltf. Exhibit D, Williams Dep. 91:15-94:23), and in fact, the Commonwealth of Pennsylvania’s records, still as of today – October 23, 2023 – specifies that his 2004 DUI conviction was for a misdemeanor of the second degree and not a misdemeanor of the first degree.<sup>5</sup> *See* Pltf. Exhibit E.

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<sup>3</sup> *See* Fn. 1, *supra*.

<sup>4</sup> At the beginning of the deposition of Mr. Williams, the Parties agreed to the “regular stipulations, where objections ... are preserved regardless of whether they’re made on the record.” *See*, Plaintiff’s Exhibit A, Williams Dep. 6:22-7:1.

<sup>5</sup> Consistent with 18 U.S.C. 922(g)(1), as defined by 18 U.S.C. 921(a)(20), as only a misdemeanor of the first degree in Pennsylvania can be punished by more than two years in jail, a misdemeanor of the second degree is not prohibiting under federal law.

29. Disputed. Mr. Colosimo testified that he could not remember what Mr. Williams told him and that it may have simply been that “he couldn’t carry.” Def. Exhibit B, Colosimo Dep. 43:20-24.

30. Undisputed.

31. Disputed. As set-forth in ¶¶ 19-28, *supra*, which Plaintiff incorporates herein by reference, Mr. Williams had no knowledge of any putative prohibition until 2014-2015, as the Commonwealth of Pennsylvania’s records, still as of today – October 23, 2023 – specifies that the grading of his 2004 offense is that of a misdemeanor of the second degree, which is not federally prohibiting. *See* Pltf. Exhibit E.

32. Undisputed.

33. Disputed. As set-forth in ¶¶ 19-28, *supra*, which Plaintiff incorporates herein by reference, Mr. Williams had no knowledge of any putative prohibition until 2014-2015, as the Commonwealth of Pennsylvania’s records, still as of today – October 23, 2023 – specifies that the grading of his 2004 offense is that of a misdemeanor of the second degree, which is not federally prohibiting. *See* Pltf. Exhibit E.

34. Disputed as stated. Mr. Williams was asked whether “*sitting here today*, it’s a false statement; right” (emphasis added) to which he responded “yes” based on his knowledge from 2014-2015 that Defendants contend that it was a

prohibiting offense that should have been graded as a misdemeanor of the first degree, contrary to the Commonwealth of Pennsylvania's records, which reflect it was a misdemeanor of the second degree.

35. Disputed as stated. When he made the entry, he believed it to be truthful and both Defendants and the Pennsylvania State Police agreed, by approving his background check. Def. Exhibit A, Williams Dep. 79:4-80:2.

36-39. Undisputed.

40-41. Disputed. As set-forth in ¶¶ 19-28, *supra*, which Plaintiff incorporates herein by reference, Mr. Williams had no knowledge of any putative prohibition until 2014-2015, as the Commonwealth of Pennsylvania's records, still as of today – October 23, 2023 – specifies that the grading of his 2004 offense was that of a misdemeanor of the second degree, which is not federally prohibiting. *See* Pltf. Exhibit E.

Dated: October 23, 2023

Respectfully Submitted,

A handwritten signature in blue ink, reading "Joshua Prince", is written over a horizontal line.

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610-845-3803

610-845-3903 (fax)

Attorney for Plaintiff

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>EDWARD A. WILLIAMS</b>	:	
Plaintiff	:	Civil Action No. 17-CV-2641
	:	
<b>v.</b>	:	
	:	
<b>MERRICK GARLAND, <i>et al.</i></b>	:	Judge John Milton Young
Defendants	:	

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**Exhibit List to Plaintiff's Response to Defendants'  
Statement of Undisputed Material Facts**

**Exhibit D:** Excerpts from Plaintiff Williams' Deposition

**Exhibit E:** 2004 Docket Sheet

**Exhibit F:** Excerpts from James J. Colosimo's Deposition

**Exhibit D**  
*(Excerpt from the Deposition of Edward A.  
Williams)*



IN THE UNITED STATES DISTRICT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

EDWARD A. WILLIAMS, :  
Plaintiff, :  
 :  
v. :  
 :  
JEFF SESSIONS, et al., :  
Defendant. : NO. 17-2641

- - -

Deposition testimony of  
EDWARD A. WILLIAMS, taken at the Office of the  
United States Attorney for the Eastern District  
of Pennsylvania, Allentown Courthouse, 504 West  
Hamilton Street, Allentown, Pennsylvania, on  
Tuesday, May 8, 2018, commencing on or about  
12:31 p.m., before Renee Fazio-Callahan,  
Certified Court Reporter and Notary Public.

- - -

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1500 Walnut Street, Suite 1610  
Philadelphia, Pennsylvania 19102  
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[www.summitreporting.com](http://www.summitreporting.com)

**EDWARD A. WILLIAMS**

1 APPEARANCES

2 PRINCE LAW OFFICES, P.C.  
3 BY: JOSHUA PRINCE, ESQUIRE  
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7 joshua@princelaw.com  
8 Counsel for Plaintiff

9 U.S. DEPARTMENT OF JUSTICE  
10 United States Attorney  
11 Eastern District of Pennsylvania  
12 BY: ANTHONY D. SCICCHITANO, ESQUIRE  
13 615 Chestnut Street  
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15 Philadelphia, PA 19106  
16 (215) 861-8200  
17 anthony.scicchitano@usdoj.gov  
18 Counsel for Defendant

19 - - -  
20  
21  
22  
23  
24  
25

**EDWARD A. WILLIAMS**

1 difficult to get head nods and things like  
2 that, so I just ask that you answer my  
3 questions with a clear yes or no; okay?

4 A. Yes.

5 Q. Or any other detail that you may  
6 provide.

7 One other thing I'll ask,  
8 because of the court reporter's ability, is  
9 that we don't talk over each other. I will try  
10 to give you a full, complete and understandable  
11 question. If you can wait until I'm finished  
12 and then I'll hopefully give you a chance to  
13 give a full and complete and understandable  
14 answer; okay?

15 A. Perfect.

16 Q. If you need a break at any point,  
17 you are welcome to let me know. The only thing  
18 I ask is that you answer the question that's  
19 outstanding and then we'll wrap it up and take  
20 a quick break; okay?

21 A. Yes.

22 MR. PRINCE: We're doing  
23 regular stipulations where objections  
24 don't need to be filed, they're  
25 preserved regardless of whether they're

**EDWARD A. WILLIAMS**

1                   made on the record.

2                   MR. SCICCHITANO: Except as  
3                   to form.

4                   MR. PRINCE: How did you want  
5                   to handle any questions you may have  
6                   that may come under the protective order  
7                   with regard to the --

8                   MR. SCICCHITANO: I mean I  
9                   think we can see what comes up and then  
10                  if we have to designate the deposition  
11                  itself as confidential, we can talk  
12                  about that and happy to do it later. I  
13                  don't think it's something we have to  
14                  take care of right now.

15                  MR. PRINCE: Perfect.

16                  BY MR. SCICCHITANO:

17                  Q.       Mr. Williams, do you have any  
18                  medical conditions that would prevent you from  
19                  understanding my questions or answering them  
20                  truthfully today?

21                  A.       No.

22                  Q.       Are you under any medication that  
23                  would prevent you from understanding my  
24                  questions or answering them truthfully today?

25                  A.       No.

**EDWARD A. WILLIAMS**

1 your 2004 DUI conviction?

2 A. No, I didn't notify them.

3 Q. Was there a reason you didn't  
4 notify them?

5 A. I didn't know that I had to.

6 Q. Did they ever ask you about it?

7 A. No.

8 MR. SCICCHITANO: All right.

9 Mr. Williams, I think I'm finished. Let  
10 me just look through my notes here.

11 No further questions.

12 - - -

13 BY MR. PRINCE:

14 Q. Two quick follow-ups.

15 Mr. Williams, can you please  
16 put in front of you Exhibit-5? Can you tell me  
17 if on that first page there is a printed date?

18 A. January 2018.

19 Q. I'm sorry. What is the date?

20 A. January 16, 2018.

21 Q. Do you have any reason to believe  
22 that to be inaccurate?

23 A. I have no idea.

24 Q. Can you turn to the following page  
25 which is labeled MCP-00006?

## EDWARD A. WILLIAMS

1 A. Yes.

2 Q. You were previously asked about  
3 what the information in the Disposition Section  
4 reflected where you said you had pled guilty  
5 and that the minimal sentence was 90 days and  
6 the maximum two years; do you remember that?

7 A. Yes.

8 Q. Is there a separate section listing  
9 Final Disposition on that page?

10 A. No, I don't see anything.

11 Q. What about right near that section  
12 that you reviewed previously?

13 A. There's something that says M2-75  
14 and I guess numbers for whatever that  
15 Disposition is.

16 Q. Do you have any knowledge of what  
17 M2 stands for?

18 A. I thought it was ungraded  
19 misdemeanor.

20 Q. Would it surprise you to learn that  
21 it means misdemeanor of the second degree which  
22 is equivalent here in PA to an ungraded  
23 misdemeanor?

24 MR. SCICCHITANO: Objection;  
25 speculation. Go ahead.

## EDWARD A. WILLIAMS

1 BY MR. PRINCE:

2 Q. Would it surprise you?

3 A. Yes.

4 Q. Do you have any reason to believe  
5 that that does not reflect a misdemeanor in the  
6 second degree?

7 MR. SCICCHITANO: Same  
8 objection.

9 THE WITNESS: No.

10 BY MR. PRINCE:

11 Q. This page also has a printed date.  
12 Can you tell us what that printed date is?

13 MR. SCICCHITANO: Same  
14 objection.

15 THE WITNESS: January 16,  
16 2018.

17 BY MR. PRINCE:

18 Q. So as of January 16, 2018, to the  
19 best of your knowledge, this sheet reflects M2  
20 as the disposition?

21 MR. SCICCHITANO: Same  
22 objection.

23 THE WITNESS: Yes.

24 MR. PRINCE: Nothing further.

25 - - -

**Exhibit E**  
*(2004 Docket Sheet)*



**MUNICIPAL COURT OF PHILADELPHIA COUNTY****DOCKET**

Docket Number: MC-51-CR-0902161-2004

**CRIMINAL DOCKET**

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

Page 1 of 5

**CASE INFORMATION**

<u>Judge Assigned:</u> Gehret, Thomas F.	<u>Date Filed:</u> 09/07/2004	<u>Initiation Date:</u> 09/07/2004
<u>OTN:</u> N 293062-0	<u>LOTN:</u>	<u>Originating Docket No:</u> 0414072018
<u>Initial Issuing Authority:</u>	<u>Final Issuing Authority:</u> Thomas F. Gehret	
<u>Arresting Agency:</u> Philadelphia Pd	<u>Arresting Officer:</u> PRICE, ALBERT A.	
<u>Complaint/Citation No.:</u>	<u>Incident Number:</u> 0414072018	
<u>County:</u> Philadelphia	<u>Township:</u> Philadelphia City	
<u>Case Local Number Type(s)</u>	<u>Case Local Number(s)</u>	
Police Incident Number	0414072018	
Legacy Docket Number	M0409021611	
Legacy Microfilm Number	06024851	
District Control Number	0414072018	

**STATUS INFORMATION**

<u>Case Status:</u> Closed	<u>Status Date:</u> 06/15/2006	<u>Processing Status:</u> Completed	<u>Arrest Date:</u> 09/07/2004
	09/07/2004	Migrated Case (Active)	
			<u>Complaint Date:</u> 09/07/2004

**CALENDAR EVENTS**

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Trial	09/30/2005	8:30 am	603		Scheduled
Sentencing	12/15/2005	9:30 am	200		Scheduled
Sentencing	04/20/2006	9:30 am	200		Scheduled
Sentencing	05/03/2006	9:30 am	200		Scheduled
Sentencing	06/15/2006	9:30 am	200		Scheduled

**DEFENDANT INFORMATION**

<u>Date Of Birth:</u>	11/20/1967	<u>City/State/Zip:</u>	PHILA, PA 19141
-----------------------	------------	------------------------	-----------------

**CASE PARTICIPANTS**

<u>Participant Type</u>	<u>Name</u>
Defendant	Williams, Edward

**BAIL INFORMATION**

<b>Williams, Edward</b>					<b>Nebbia Status: None</b>
<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Originating Court</u>	<u>Percentage</u>	<u>Amount</u>
Set	09/07/2004	ROR	Municipal Court		\$0.00
<u>Surety Type</u>	<u>Surety Name</u>	<u>Posting Status</u>	<u>Posting Date</u>	<u>Security Type</u>	<u>Security Amt</u>
Self	Williams, Edward	Posted	09/07/2004	Bond Signature	\$0.00

**CHARGES**

## MUNICIPAL COURT OF PHILADELPHIA COUNTY

## DOCKET



Docket Number: MC-51-CR-0902161-2004

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

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## CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	M2	75 § 3731 §§ A51*	Dr W/BI Alc Lev .10% Or > W/In 3 Hrs	09/07/2004	N 293062-0

## DISPOSITION SENTENCING/PENALTIES

## Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u> <u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>
<u>Sentence Conditions</u>		

## Guilty

Migrated Dispositional Event	06/15/2006	Final Disposition
1 / Dr W/BI Alc Lev .10% Or > W/In 3 Hrs	Guilty	M2 75 § 3731 §§ A51*
Gehret, Thomas F.	06/15/2006	
Confinement	Min of 90.00 Days	
	Max of 2.00 Years	

## COMMONWEALTH INFORMATION

Name: Philadelphia County District Attorney's  
Office  
Prosecutor

Supreme Court No:

Phone Number(s):  
215-686-8000 (Phone)

Address:  
3 South Penn Square  
Philadelphia, PA 19107

## ATTORNEY INFORMATION

Name: Fortunato N. Perri Jr.  
Private

Supreme Court No: 052719

Rep. Status: Active

Phone Number(s):  
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215-981-0999 (Office)

Address:  
McMonagle Perri Et Al  
1845 Walnut St Fl 19  
Philadelphia, PA 19103

Representing: Williams, Edward

## ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	09/07/2004		Unknown Filer
PARS Transfer			
2	09/07/2004		Migrated, Filer
MUNICIPAL COURT CASE CREATED			
1	10/20/2004		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			

**MUNICIPAL COURT OF PHILADELPHIA COUNTY****DOCKET**

Docket Number: MC-51-CR-0902161-2004

**CRIMINAL DOCKET**

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

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**ENTRIES**

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
1	12/06/2004		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			
1	01/14/2005		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			
1	03/14/2005		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			
2	03/14/2005		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			
1	05/04/2005		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			
2	07/14/2005		Migrated, Filer
MUNICIPAL COURT CONTINUANCE			
1	09/30/2005		Migrated, Filer
Migrated Automatic Registry Entry (Calendar) Text			
2	09/30/2005		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
3	09/30/2005		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
1	12/15/2005		Migrated, Filer
Migrated Automatic Registry Entry (Calendar) Text			
2	12/15/2005		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
3	12/15/2005		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
1	04/20/2006		Migrated, Filer
Migrated Automatic Registry Entry (Calendar) Text			

**MUNICIPAL COURT OF PHILADELPHIA COUNTY****DOCKET**

Docket Number: MC-51-CR-0902161-2004

**CRIMINAL DOCKET**

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

Page 4 of 5

**ENTRIES**

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
2	04/20/2006		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
3	04/20/2006		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
1	05/03/2006		Migrated, Filer
Migrated Automatic Registry Entry (Calendar) Text			
2	05/03/2006		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
3	05/03/2006		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
1	06/15/2006		Migrated, Filer
Migrated Automatic Registry Entry (Disposition) Text			
2	06/15/2006		Migrated, Filer
Migrated Sentence			
3	06/15/2006		Migrated, Filer
Migrated Automatic Registry Entry (Calendar) Text			
4	06/15/2006		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
5	06/15/2006		Migrated, Filer
MUNICIPAL COURT TRIAL RESULT			
6	06/15/2006		Migrated, Filer
PROBATION FACE SHEET ENTRY			
1	08/31/2007		Municipal Court - Philadelphia County
DL-21CF to be Prepared			
1	10/05/2009		Williams, Edward
Return Case From Collection Agency - Monies Successfully Collected			

**MUNICIPAL COURT OF PHILADELPHIA COUNTY****DOCKET**

Docket Number: MC-51-CR-0902161-2004

**CRIMINAL DOCKET**

Court Case

Commonwealth of Pennsylvania

v.

Edward Williams

Page 5 of 5

**CASE FINANCIAL INFORMATION**

Last Payment Date: 09/16/2009

Total of Last Payment: -\$250.00

<b>Williams, Edward</b>	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary</u>	<u>Balance</u>
Surety				<u>Payments</u>	
<b>Costs/Fees</b>					
State Court Costs (Act 204 of 1976)	\$9.26	(\$9.26)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$7.94	(\$7.94)	\$0.00	\$0.00	\$0.00
County Court Cost (Act 204 of 1976)	\$25.80	(\$25.80)	\$0.00	\$0.00	\$0.00
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
Firearm Education and Training Fund	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Catastrophic Loss Fund (Act 24 of 1989)	\$50.00	(\$100.00)	\$50.00	\$0.00	\$0.00
Judicial Computer Project	\$8.50	(\$8.50)	\$0.00	\$0.00	\$0.00
ATJ	\$1.50	(\$1.50)	\$0.00	\$0.00	\$0.00
CQS Fee Misdemeanor (Philadelphia)	\$50.00	(\$50.00)	\$0.00	\$0.00	\$0.00
Collection Fee (Philadelphia)	\$100.98	(\$100.98)	\$0.00	\$0.00	\$0.00
Costs/Fees Totals:	\$318.98	(\$368.98)	\$50.00	\$0.00	\$0.00
<b>Fines</b>					
Title 75, DUI (Motor License Fund)	\$750.00	(\$750.00)	\$0.00	\$0.00	\$0.00
Title 75, DUI (Motor License Fund)	\$750.00	(\$750.00)	\$0.00	\$0.00	\$0.00
Fines Totals:	\$1,500.00	(\$1,500.00)	\$0.00	\$0.00	\$0.00
Grand Totals:	\$1,818.98	(\$1,868.98)	\$50.00	\$0.00	\$0.00

\*\* - Indicates assessment is subrogated

**Exhibit F**  
*(Excerpt from the Deposition of James J.  
Colosimo)*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -  
EDWARD A. WILLIAMS, : CIVIL ACTION  
:   
Plaintiff, :   
:   
vs. :   
:   
JEFF SESSIONS, ET AL., :   
:   
Defendants. : NO. 17-CV-2641  
- - -

Oral deposition of JAMES J. COLOSIMO,  
taken at Residence of James Colosimo, 1920 Panama  
Street, Philadelphia, Pennsylvania, on June, 5,  
2018, beginning at approximately 1:56 p.m., before  
Elizabeth Kelly, Professional Reporter and Notary  
Public in and of the Commonwealth of Pennsylvania.

- - -  
SUMMIT COURT REPORTING, INC.  
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Philadelphia, Pennsylvania 19102  
424 Fleming Pike, Hammonton, New Jersey 08037  
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www.summitreporting.com

**JAMES J. COLOSIMO**

1 APPEARANCES:

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16  
17 ALSO PRESENT:

18 Dilon Harrris, Legal Intern  
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22  
23  
24  
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**JAMES J. COLOSIMO**

1 Q Okay. Did Mr. Williams ever communicate  
2 to you any criminal history that he had?

3 A No.

4 Q Did he ever inform you about a DUI  
5 conviction that he had on his record?

6 A Yes.

7 Q When did he tell you that?

8 A I don't recall.

9 Q Was it recently, or was it while he was  
10 employed for the company?

11 A I don't recall.

12 Q Do you recall what it is that he told you  
13 about the DUI conviction?

14 A Had a DUI.

15 Q Whenever he told you about the DUI  
16 conviction, did he tell you anything about whether  
17 he could remain employed and possess firearms?

18 A It was checked out by ATF and by the City,  
19 and they said it was okay. They were -- right  
20 across the street from the City, and ATF was in  
21 there every two weeks. And they knew about it.

22 Q Let's talk about that a little bit.

23 What do you recall about ATF learning  
24 about Mr. Williams's DUI conviction?

25 A Nothing, except it was all right. They

**JAMES J. COLOSIMO**

1 didn't say fire him. They didn't say he couldn't  
2 work there.

3 Q To your recollection, how do recall ATF  
4 becoming aware of his DUI conviction?

5 A ATF was in my place every week. They were  
6 aware of everything.

7 Q But how did they become aware of the  
8 particular DUI conviction? Did Mr. Williams tell  
9 them about it, or did it come back on a background  
10 check? Do you recall?

11 A I don't know.

12 Q Well, then how do you know that ATF knew  
13 about it?

14 A Because I inquired on it.

15 Q Okay. You inquired with ATF?

16 A Yes.

17 Q And who did ask? One of the ATF agents?

18 A Oh, I don't remember.

19 Q I'm not asking for individual names.

20 A Oh, I mean, you know, you're going back  
21 years now.

22 Q Unfortunately, yes, sorry. I guess, what  
23 I'm understanding then is you inquired with an ATF  
24 employee, whoever they were, whatever their name  
25 was, about the nature of Mr. Williams's conviction

**JAMES J. COLOSIMO**

1 and his eligibility for employment at the company;  
2 is that right?

3 A Yes.

4 Q Okay. But you don't recall specifically  
5 when that was?

6 A No.

7 Q And you don't recall who at ATF you talked  
8 to; right?

9 A Whoever the agent was at that time.

10 Q Okay. Did the agent indicate to you that  
11 they had conducted a background check on  
12 Mr. Williams?

13 A He was allowed to work.

14 Q No, that's not my question.

15 A What is your question?

16 Q My question is whether the ATF agent  
17 indicated to you that they conducted a background  
18 check on Mr. Williams?

19 A Yes.

20 Q And what did they say to you about the  
21 background check?

22 A I don't remember.

23 (Discussion was held off the record.)

24 BY MR. SCICCHITANO:

25 Q Do you recall whether ATF gave you any

**JAMES J. COLOSIMO**

1 paperwork indicating the completion of a background  
2 check on Mr. Williams or his eligibility to be  
3 employed at Colosimo's Incorporated? Is that a no?

4 A I don't know.

5 Q You don't recall?

6 A Ask me the question again.

7 Q Do you recall receiving any paperwork from  
8 ATF indicating that ATF had conducted a background  
9 check on Mr. Williams or that he was eligible for  
10 employment at Colosimo's Incorporated?

11 A They said he was eligible.

12 Q I understand, sir.

13 A Paperwork, I don't remember.

14 Q Okay. That's my question, okay.

15 Did you yourself conduct any  
16 background checks on Mr. Williams?

17 A On all my employees I did when they came  
18 to work.

19 Q Okay. Did -- how frequently did you  
20 conduct background checks on them?

21 A When they came to work.

22 Q When they started working?

23 A When they started work.

24 Q Okay, okay. And I personally don't even  
25 know --